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PUBLIC SERVICE
COMMISSION

October 8, 2004

via Hand Delivery

Ms. Beth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
P. O. Box 615
Frankfort, KY 40601

2004-00409

Re: Universal Telecom, Inc. v. Kentucky ALLTEL, Inc.

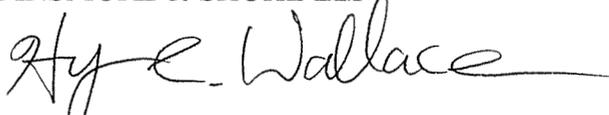
Dear Ms. O'Donnell:

Enclosed for filing with the Public Service Commission of the Commonwealth of Kentucky (the "Commission") is one original and ten (10) copies of Universal Telecom, Inc.'s Formal Verified Complaint, as well as one original and ten (10) copies of Universal Telecom Inc.'s Motion for Hearing and Immediate Relief in the above-styled case. We will provide the original of the Verification Page to the Formal Verified Complaint to your office on Monday, October 11, 2004.

Thank you, and if you have any questions with regard to this matter, please call me.

Very truly yours,

DINSMORE & SHOHL LLP



Holly C. Wallace

HCW/rk

Enclosure

cc: John E. Selent, Esq. (w/o enclosure)

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Universal Telecom’s business competitiveness and business reputation. Accordingly, Universal Telecom seeks immediate relief from the Kentucky Public Service Commission (the “Commission”).

APPLICABLE LAW

4. Pursuant to KRS 278.170, "[n]o utility shall, as to rates or service, give any unreasonable preference or advantage to any person or subject any person to any unreasonable prejudice or disadvantage"

5. Pursuant to KRS 278.040, the Commission has jurisdiction “over the regulation of rates and service of utilities” within the Commonwealth.

6. Pursuant to KRS 278.260, the Commission is vested with the express authority to investigate and remedy “complaints as to rates or service of any utility.”

STATEMENT OF THE FACTS

7. Within the last week, Universal Telecom has begun to serve hundreds of former customers of EZ Phone, Inc. ("EZ Phone") a local exchange carrier that no longer provides local exchange service within the Commonwealth of Kentucky.

8. In accordance with the interconnection agreement between Universal Telecom and ALLTEL, and pursuant to the customers' requests, Universal Telecom sent orders to ALLTEL requesting that the customers' telephone numbers be ported from EZ Phone to Universal Telecom.

9. Initially, in compliance with the interconnection agreement, ALLTEL processed these orders, although it did not do so in a timely manner. When Universal Telecom called to complain about the amount of time it was taking to process the orders, Universal Telecom was informed by Tammy Seifert, an employee of ALLTEL, that it would no longer process the orders

until Universal Telecom provided ALLTEL with a twelve thousand dollar deposit (\$12,000.00). The request for the security deposit was made verbally only, therefore it did not comply with the terms of the parties' interconnection agreement.

10. Nonetheless, Universal Telecom is in the process of securing a surety bond to provide ALLTEL with the requested twelve thousand dollar (\$12,000.00) security deposit. Universal Telecom estimates that it will take approximately five (5) business days to obtain the surety bond.

11. In the meantime, however, ALLTEL has ceased processing *all* active service orders from Universal Telecom. Therefore, when ALLTEL receives a disconnect order from a former EZ Phone customer, for example, ALLTEL will process the disconnect order, but it will not process the order to port the number to Universal Telecom. In fact, ALLTEL refuses to process *any* active service order with regard to *any* Universal Telecom customer. ALLTEL's actions are a thinly disguised effort to take customers from Universal Telecom in a blatant abuse of its monopoly power.

12. Moreover, ALLTEL has instructed its affiliates in every state in which ALLTEL does business with Universal Telecom to cease processing any and all active service orders from Universal Telecom.

13. As a result of ALLTEL's actions, Universal has already suffered substantial and irreparable damage to its business competitiveness and its business reputation. In addition, said damage to Universal Telecom increases with each passing hour that ALLTEL refuses to process Universal Telecom's orders.

WHEREFORE, Universal Telecom respectfully requests that the Commission:

- A. Order ALLTEL to immediately begin to process all orders submitted by Universal Telecom;
- B. Order ALLTEL to process Universal Telecom's orders in a timely manner;
- C. Order ALLTEL to instruct its affiliates in states in which they do business with Universal Telecom to immediately begin to process all of Universal Telecom's orders in a timely manner;
- D. Grant Universal Telecom any and all such other legal and equitable relief to which it is entitled;
- E. Grant Universal Telecom an emergency hearing regarding the matters stated herein.

Respectfully submitted,



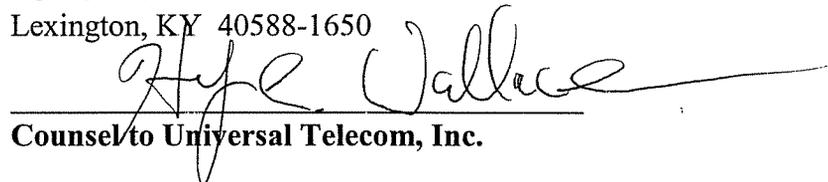
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COUNSEL TO UNIVERSAL TELECOM, INC.

CERTIFICATE OF SERVICE

It is hereby certified that a true and accurate copy of the foregoing Formal Verified Complaint was served via fax and first-class United States mail, sufficient postage prepaid, this day of October, 2004, upon the following:

Stephen B. Rowell, Esq.
ALLTEL Communications, Inc.
One Allied Drive
P. O. Box 2177
Little Rock, AR 72202

General Counsel
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Lexington, KY 40588-1650



Counsel to Universal Telecom, Inc.

